HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.16278 of 1998

Dated 21st day of February, 2007

Between:

E. Bhagwan Das .. Petitioner

And

The Govt. of A.P., rep.
by its Secretary, Revenue Department,
Secretariat, Hyderabad
and five others .. Respondents

O R D E R:

This writ petition is filed seeking a direction to the respondents to act in accordance with law and not to utilize the lands of the petitioner in S.Nos.74/10 and 74/6 situated in East Maredpally, Secunderabad.

The only grievance of the petitioner is that the respondents, without following the due process of law, are trying to utilize his lands for constructing certain houses for weaker sections, which according to him, is illegal and in violation of principles of natural justice.

Principles of natural justice demand that before any action is taken by the public authorities against the private individuals which results in civil consequences, a notice calling for the explanation to the individual concerned has to be issued and after considering the explanation, appropriate orders should be passed and then action in accordance with the said decision has to be taken. Inasmuch as it is alleged by the petitioner that the respondents are trying to utilize his lands for constructing certain houses for the weaker sections without issuing any notice and without following the due process of law, I deem it appropriate to dispose of the writ petition with the following directions:

The respondents, before proceeding to construct any houses in the petitioner's lands shall follow the due procedure prescribed under law where a notice calling for the explanation of the petitioner shall be issued and after considering the explanation that may be submitted by him, pass appropriate orders and take action in accordance therewith. It is made clear that if the respondents have already followed the due procedure prescribed under law and the if the lands are government lands they are at liberty to proceed further in the matter.

The writ petition is accordingly disposed of. No costs.

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21.02.2007

bcj